

13281  
112503

U.S. PTO

## REQUEST FORM FOR APPLICATION UNDER 37 CFR 1.53(b)

DOCKET NUMBER: 58799-102

Prior Application:

Art Unit: 2186  
Examiner: Kim, Hong Chong

13413 U.S. PTO  
10/720147

112503

BOX  
FEE  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a continuation application under 37 CFR 1.53(b) of pending prior application

Serial No. 09/935,769, filed on August 24, 2001, entitled **CONTROL APPARATUS AND OPTICAL DISC**

**APPARATUS USING IT**, by the following named inventors: Yoshinori Ishikawa, Yukinobu Tada, Masato Soma,

Dan AOKI.

1.  I hereby state that the enclosed application contains no new matter.
2. Oath or Declaration
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))
    - i.  Deletion of inventor(s)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
3.  Incorporation By Reference (useable if Box 2b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4.  Preliminary Amendment is enclosed.
5.  An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6.  Cancel claims 14-16.

7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	AMOUNT
Total Claims	15	-20		=	\$0.00
Independent Claims	3	-3		=	\$0.00
Basic Application Fee					\$770.00
If multiple dependent claims are presented, add					\$0.00
Total Application Fee					\$770.00
Subtract ½ if small entity					\$0.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$770.00</b>
<b>AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417</b>					<b>\$770.00</b>

- 7a.  Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
- 7b.  A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.
- 8a.  **PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$ 770.00**
- 8b.  The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 09/935,769 or credit any overpayment to Deposit Account No. 500417.
9.  Amend the specification by inserting before the first line the sentence:  
--This application is a continuation of Application Serial No. 09/935,769 filed August 24, 2001--
10.  Priority of Application Serial No. 2001-148593 filed on May 18, 2001, in Japan is claimed under 35 USC 119. The certified priority document was filed in Serial No. 09/935,769 on August 24, 2001.
11.  The prior application is assigned of record to

**HITACHI, LTD.**

12.  The power of attorney in the prior application is to:

McDermott, Will & Emery

13.  Also enclosed:

1. Seven (7) sheets of formal drawings.

14.  A petition, fee and response has been filed to extend the term in the pending prior application until .

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, DC 20005-3096

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Keith E. George  
Registration No. 34,111

600 13<sup>th</sup> Street, N.W.  
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**Date: November 25, 2003**

Docket No.: 58799-102

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277  
Yoshinori Ishikawa, et al. : Confirmation Number:  
Serial No.: Continuation of Appl. No.  
09/935,769 : Group Art Unit:  
Filed: November 25, 2003 : Examiner:  
For: CONTROL APPARATUS AND OPTICAL DISC APPARATUS USING IT

**TRANSMITTAL OF FORMAL DRAWINGS**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Seven (7) pages of formal drawings are submitted herewith.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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Registration No. 34,111

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**Date: November 25, 2003**